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SEP 07 2004

OFFICE OF PETITIONS

In re Application of
Wong
Application No. 09/840,426
Filed: April 20, 2001
For: INTERCHANGEABLE PIEZOELECTRIC LIGHTER
Pub. No.: US 2002/0155408 A1
Pub. Date: October 24, 2002

This is a decision mailed on the request for corrected patent application publication under 37 CFR 1.221(b), filed on May 8, 2003 for the above-identified application.

The request is DISMISSED.

The decision is being mailed to the correspondence address of record according to the change in the power of attorney and a copy of the decision is being mailed to Mr. Raymond Y. Chan, who is acting in a representative capacity.

The instant request is that the application be republished because the patent application publication includes the wrong drawings and does not include the drawings filed with the application.

37 CFR 1.221(b) is applicable "only when the Office makes a material mistake which is apparent from Office records . . . Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.¹

The request for corrected publication received on May 8, 2003, was not timely filed under 37 CFR 1.221(b).

¹Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239 Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

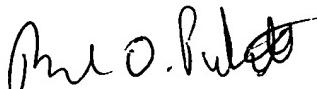
The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application in compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

Any request for republication under 37 CFR 1.221(a), should be submitted via the EFS system and questions or request for reconsideration of this decision, should be addressed as follows:

By mail to: Mail Stop PGPUB
 Commissioner for Patents
 P.O. Box 1450
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The application is being forwarded to the Office of Petitions to review the papers received on May 8, 2003 to determine if the evidence submitted is sufficient to replace the drawings in the application file with the drawings (Figs. 1-4) submitted on May 8, 2003.

Inquires concerning this communication should be directed to Mark Polutta at (703) 308-8122 (voice).



Mark O. Polutta
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

cc:

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